Merging of TOMCO with HILL

477. MISS SAROJ KHAPARDE : Will the PRIME MINISTER be pleased to state :

(a) whether it is a fact that the Tata Oil Mills Company Ltd. has merged with Hindustan Lever Limited recently; and

(b) if so, what are the details thereof ?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ) : (a) and (b) An amalgamation requires approval of the Court under Sections 391|394 of the Companies Act, 1956 and the Court is required to give notice of such applications to the Central Government for making representation, if any, under section 394-A of the Act. No such notice has been served on the Central Government by the Court.

National Academy to train Judges

478. SHRI K. K. VEERAPPAN :

SHRI V. GOPALSAMY :

Will the PRIME MINISTER be pleased to state :

(a) whether Government have taken any decision to set up a National Academy to train judges; and

(b) what steps have been taken to set up the academy ?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ) : (a) Yes, Sir.

(b) In pursuance of a decision taken by the Government, an Ad-hoc Committee has been constituted under the Chief Justice of India to work out certain details such as the location of the Academy, its faculty, courses to be adopted and mode of financing, etc.

Implementation of Report of the Arrears Committee

479. SHRI T. A. MOHAMMED SAQHY :

SHRI V. GOPALSAMY :

Will the PRIME MINISTER be pleased to state :

(a) what action Government have initiated on the report of the Arrears Committee headed by the former Chief Justice of Kerala High Court Shri Malimath so far;

(b) the details of recommendations implemented and also stage in which they are in at present;

(c) the details of those recommendations yet to be considered and also the specific reasons therefor;

(d) what steps would be taken for early implementation of these recommendations; and

(e) what other steps are being taken to reduce pendency in the High Courts and the Supreme Court of India ?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ) : (a) to (d) The recommendations made by the Arrears Committee covering various aspects, have been commended to all the concerned Central Ministries, State Governments and High Courts for necessary follow-up action. Some of the recommendations

have already been implemented by the concerned authorities. As per the decision taken in the Law Ministers' conference held in October 1992 at Bangalore, three working groups of State Law Ministers have been constituted to suggest measures for the implementation of the recommendations of the Arrears Committee so as to expedite the disposal of pending cases in the Courts.

(e) Government is endeavouring to increase the judge strength, to improve the service conditions of the judges and to help the judiciary in general to improve their functioning. Steps such as grouping of cases involving common question of law, giving priority to cases requiring quick disposal, constitution of specialised benches etc., have been undertaken by the High Courts. The Supreme Court have taken steps to expedite hearing of cases by re-arranging the business of the Court, grouping of cases involving common issues, use of computer, etc.

Appointment of Judges on the advice of Chief Justice of India

480. SHRI VIREN J. SHAH :

SHRI PRAMOD MAHAJAN :

Will the PRIME MINISTER be pleased to state :

(a) the number and the names of judges of the High Courts and the Supreme Court appointed during 1991-92 and so far in 1993 on the advice of the Chief Justice of India ;

(b) the details of case in which the advice of the Chief Justice of India had not been followed by Government and the reasons therefor in each case;

(c) what steps Government have taken to avoid any conflict between the judiciary and the executive in the matters relating to appointment of Judges of the Supreme Court and appointment and transfer of Judges of High Courts ;

(d) whether any guidelines have been issued in this regard; and

(e) if so, what are the details thereof ?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ) : (a) and (b) The particulars of Judges of the High Courts and the Supreme Court appointed during 1991-92 and so far in 1993 are given in the Statement I and II respectively. (See below). Of the appointments made during 1991-92 and so far in 1993 in the High Courts, all except one, were made on the advice of the Chief Justice of India. During this period, recommendations of Chief Justice of India for appointment of 9 persons as High Court Judges were not accepted. It would not be in public interest to disclose the reasons.

In the Supreme Court during this preiod all appointments were made on the advice of the Chief Justice of India.

(c) to (e) Appointment of Judges of the Supreme Court and High Courts are made in terms of relevant provisions of the Constitution of India. It may also be mentioned that the Government have accepted as a policy, recommendations of the Law Commission, in its 80th Report that there should be a convention according to which 1/3rd of Judges in each High Court should be from any other State. The Government decided that this may be implemented either by making initial appointments from outside or by effecting transfers. The policy guidelines in connection with appointment of Chief Justices of High Courts from outside were issued through a Press Note in January 1983, which is contained in Statement III.